

HOUSE BILL 3159  
By DuBois

AN ACT to amend Tennessee Code Annotated, Title 63, relative to health care providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by deleting §§ 63-1-109 and 63-1-116.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as new sections:

Section 63-1-145.

(a) A person subject to this chapter who uses the person's name on a written or printed professional identification, including a sign, pamphlet, stationery, letterhead, or who uses the person's signature as a professional identification shall designate as required by this section the practice of healing arts, as defined by § 63-1-102, the person is licensed to practice.

(b) A person who is licensed in chapter 3 of this title by the board of registration in podiatry shall use:

- (1) podiatrist;
- (2) doctor, D.P.M.;
- (3) doctor of podiatric medicine; or
- (4) D.P.M.

(c) A person who is licensed in chapter 4 of this title by the board of chiropractic examiners shall use:

- (1) chiropractor;
- (2) doctor, D.C.;
- (3) doctor of chiropractic; or

(4) D.C.

(d) A person who is licensed in chapter 5 of this title by the board of dentistry shall use:

- (1) dentist;
- (2) doctor, D.D.S.;
- (3) doctor of dental surgery;
- (4) D.D.S.; or
- (5) doctor of dental medicine, D.M.D.

(e) A person who is licensed in chapter 6 of this title by the board of medical examiners and holds a doctor of medicine degree shall use:

- (1) physician or surgeon, M.D.;
- (2) doctor, M.D.; or
- (3) doctor of medicine, M.D.

(f) A person who is licensed in chapter 7 of this title by the board of nursing shall use:

- (1) advanced practice nurse;
- (2) APN;
- (3) registered nurse;
- (4) RN;
- (5) licensed practical nurse; or
- (6) L.P.N.

(g) A person who is licensed in chapter 8 of this title by the board of optometry shall use:

- (1) optometrist;
- (2) doctor, optometrist;
- (3) doctor of optometry; or
- (4) O.D.

(h) A person who is licensed in chapter 9 of this title by the board of osteopathic examination and holds a doctor of osteopathy degree shall use:

- (1) physician or surgeon, D.O.;
- (2) osteopathic physician or surgeon;
- (3) doctor, D.O.;
- (4) doctor of osteopathy;
- (5) doctor of osteopathic medicine;
- (6) osteopath; or
- (7) D.O.

(i) A person who is licensed in chapter 19 by the board of medical examiners and committee on physician assistants shall use:

- (1) physician assistant;
- (2) P.A.;
- (3) P.A.-C;
- (4) orthopedic physician assistant;
- (5) O.P.A.; or
- (6) O.P.A.-C.

Section 63-1-146. Every person licensed to practice the healing arts, or any branch thereof, under this chapter shall keep a copy of such person's certificate of licensure displayed in the office or place in which such person practices, in a conspicuous place, and in addition, shall place and keep placed in a conspicuous place at the entrance of such person's office, a sign in intelligible lettering and not less than one inch (1") in height, containing the name of such person immediately followed by one of the appropriately indicating recognized titles, the professional degree, if any, held by such person.

Section 63-1-147. In using the title "doctor" as a trade or professional asset or on any manner of professional identification, including a sign, pamphlet, stationery, or letterhead, or as a part of a signature, a person other than a person described by section 63-1-145 shall designate the authority under which the title is used or the college or honorary degree that gives rise to the use of the title.

Section 63-1-148.

(a) On the request of either the director of the health related boards or a healing art licensing board listed in sections 63-1-145 or 63-1-147, the district or county attorney shall file and prosecute appropriate judicial proceedings in the name of the state against a person who violates sections 63-1-145 or 63-1-147.

(b) The district or county attorney shall file the proceeding in the district court of the county in which the violation occurs.

#### Section 63-1-149.

(a) A person who violates sections 63-1-145 or 63-1-147 commits an offense. An offense under this section is a misdemeanor punishable by:

(1) on conviction of a first offense, a fine of one hundred dollars (\$100);

(2) on conviction of a second offense, a fine of five hundred dollars

(\$500); and

(3) on conviction of a third offense:

(A) a fine of one thousand dollars (\$1,000); or

(B) revocation of the person's license to practice the healing art.

(b) On conviction of the person, the district court shall notify the licensing board that issued the license. The licensing board may then take further action on the person.

Section 63-1-150. The boards of the respective branches of the healing arts are hereby authorized to promulgate rules and regulations consistent with this act to regulate the nature, manner, content, and extent of advertising by practitioners of such healing arts who are under the jurisdiction of such boards, including advertising pertaining to board certification and/or specialty.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.